

AMENDED IN SENATE JULY 2, 2007

AMENDED IN SENATE JUNE 25, 2007

AMENDED IN SENATE JUNE 21, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1743

Introduced by Assembly Member Huffman

(Principal coauthor: Senator Migden)

(Coauthor: Senator Perata)

March 22, 2007

An act relating to San Quentin State Prison.

LEGISLATIVE COUNSEL'S DIGEST

AB 1743, as amended, Huffman. San Quentin State Prison: condemned inmate facilities.

Existing law requires male state prison inmates who have been sentenced to death to be housed at San Quentin State Prison. An existing appropriation provided money for a new condemned inmate complex on that site.

This bill would make findings and declarations about the inadequacy of existing condemned inmate facilities, and the cost overruns of the proposed condemned inmate complex. The bill would prohibit the Department of Corrections and Rehabilitation from spending any money on the proposed condemned inmate complex at San Quentin State Prison until certain conditions are met. One of those conditions is the completion of an evaluation by the Bureau of State Audits on condemned inmate facility alternatives. Copies of the evaluation would be required to be distributed to certain committees of the Legislature by ~~April 15~~ May 30, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Existing condemned inmate facilities at San Quentin State
4 Prison do not meet the maximum security design criteria
5 established by the Department of Corrections and Rehabilitation.
- 6 (b) In the Budget Act of 2003, two hundred twenty million
7 dollars (\$220,000,000) was authorized for a new condemned inmate
8 facility at San Quentin State Prison. The department's revised cost
9 estimates reflect a 53 percent increase, even though the facility's
10 proposed inmate capacity has been reduced by 25 percent from
11 the initial authorization.
- 12 (c) Given rising construction costs and the history of
13 underestimating costs for projects at the San Quentin State Prison
14 site, total expenditures on the new condemned inmate complex
15 could substantially exceed the three hundred thirty-six million five
16 hundred thousand dollar (\$336,500,000) estimate.
- 17 (d) In their 2007–08 Judicial & Criminal Justice Budget
18 Analysis, the Legislative Analyst's Office concluded that:
- 19 (1) The construction cost of the proposed condemned inmate
20 complex, even if the department's new cost estimate is correct,
21 would be three hundred thousand dollars (\$300,000) per bed, more
22 than twice the cost of other high-security beds.
- 23 (2) In light of the various fiscal and operational problems with
24 the project, the proposed condemned inmate complex at San
25 Quentin State Prison should be cancelled and the remaining project
26 funding be used to expand condemned inmate capacity elsewhere.
- 27 (e) The Legislature should reevaluate whether the proposed
28 condemned inmate complex at San Quentin State Prison is a
29 prudent expenditure of taxpayer funds and whether, given all
30 relevant fiscal, public safety, correctional officer and inmate safety,
31 legal rights, and civil liberty considerations, there are better
32 alternatives for housing male condemned inmates.
- 33 (f) The department owns 275 acres at the site of San Quentin
34 State Prison, many of which are not actively used by the
35 department. The proposed condemned inmate complex at San

1 Quentin State Prison would be segregated from existing
2 correctional facilities and occupy a large area in the southwestern
3 portion of the department's property at San Quentin. As a result,
4 its construction would foreclose opportunities for state partnership
5 with local governments on noncorrectional, public uses of this
6 land, including public transportation, health care, and affordable
7 housing, including uses that could generate substantial revenues
8 for the state. The state has not studied the alternative of
9 constructing a condemned inmate complex at San Quentin State
10 Prison in a manner that preserves the possibility for these
11 noncorrectional uses in the southwestern portion of the San Quentin
12 property.

13 (g) Identifying alternatives that obviate the need for a new
14 condemned inmate complex occupying the southwestern portion
15 of the San Quentin property could lead to potential savings in
16 facility construction, and also preserve the state's ability to pursue
17 the aforementioned noncorrectional uses of this portion of the San
18 Quentin property while keeping the majority of the San Quentin
19 property for correctional uses. This could produce substantial
20 revenues for the state in addition to helping address local and
21 regional transportation, health care, or affordable housing needs.

22 SEC. 2. The Department of Corrections and Rehabilitation
23 shall not expend any money on the proposed condemned inmate
24 complex at San Quentin State Prison until all of the following
25 occur:

26 (a) The Evaluation of Condemned Inmate Facility Alternatives;
27 has been completed as specified in Section 3 of this act.

28 (b) The Legislature, interested parties, and the public have had
29 90 40 days to review that evaluation.

30 (c) The Legislature expressly—~~authorized~~ *authorizes* the
31 expenditure of funds on that complex.

32 SEC. 3. (a) The Bureau of State Audits shall complete an
33 Evaluation of Condemned Inmate Facility Alternatives. The
34 evaluation shall reflect the current legal requirement that the ~~lethal~~
35 ~~injection chamber remain~~ *judgment of death be executed* at San
36 Quentin State Prison. The evaluation shall consider all of the
37 following:

38 (1) A cost comparison between various alternatives, taking into
39 account capital outlay costs in addition to projected expenditures
40 on maintenance and operations.

1 (2) Use of prison facilities other than San Quentin State Prison
2 to meet male condemned inmate housing needs.

3 (3) Whether facilities can be constructed to house some or all
4 male condemned inmates at San Quentin in a manner that preserves
5 the possibility for noncorrectional uses in the southwestern portion
6 of the San Quentin State Prison property.

7 (4) Any alternatives that include housing condemned male
8 inmates at facilities other than San Quentin State Prison shall meet
9 the requirements of paragraphs (1) and (2) of subdivision (c) of
10 Section 3600 of the Penal Code.

11 (5) Access and proximity to *state and federal courts*, counsel,
12 medical care, and family.

13 (6) Concerns about housing condemned inmates in a location
14 separate from the site of execution.

15 (7) Difficulty finding qualified counsel to represent inmates in
16 habeas corpus proceedings.

17 (8) Costs associated with the distance between inmates, *courts*,
18 counsel, medical care, and other relevant resources, particularly
19 with regard to the unique needs of condemned inmates.

20 (9) Compliance with relevant legal orders.

21 (b) Copies of the evaluation shall be distributed to the
22 membership of the Assembly and Senate Committees on Public
23 ~~Safety no later than April 15, 2008. Safety, the Assembly Committee~~
24 ~~on Budget, the Senate Committee on Budget and Fiscal Review,~~
25 ~~and the Joint Legislative Budget Committee, no later than May~~
26 ~~30, 2008.~~